

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER IRWIN,

Plaintiff,

vs.

C.A. No. CA04-246 Erie
District Judge McLaughlin
Magistrate Judge Baxter

NURSE 1, NURSE 2, NURSE 3, WARDEN
WASHINGTON COUNTY
CORRECTIONAL FACILITY,
PATROLMAN RON RAYMOND,
CHARTIERS TOWNSHIP POLICE
DEPARTMENT,

Defendants.

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Defendants, by and through their counsel, Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and hereby moves this Honorable Court pursuant to F. R. C. P 56 for Summary Judgment.

1. Plaintiff Christopher Irwin initiated this suit by filing a Complaint in the United States District Court for the Western District of Pennsylvania at No. CA04-246E.

2. Plaintiff alleges that his constitutional right to adequate medical care was violated and he was deprived of adequate medical treatment. He also alleges that he was deprived of due process of law.

3. Plaintiff has failed to state a constitutional violation.

4. Plaintiff has failed to exhaust the administrative procedures of the prison as required by the Prison Litigation Reform Act.

5. Plaintiff's Complaint fails to specify acts by the Defendants that would place his action within the two year statute of limitations established for civil rights violations in this District.

WHEREFORE, Defendants request that Summary Judgment be granted and that judgment be entered in their favor.

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/Edmond R. Joyal, Jr.
Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants

Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184

CERTIFICATE OF SERVICE

I, Edmond R. Joyal, Jr., Esquire, hereby certify that a true and correct copy of the foregoing **MOTION FOR SUMMARY JUDGMENT** has been served by First Class Mail, postage pre-paid, upon the following parties on this 17th day of November, 2006.

Christopher Irwin
SCI Albion
10745 Route 18
Albion, PA 16475
(Pro Se Plaintiff)

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/ Edmond R. Joyal, Jr.

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants

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